

Senate Bill No. 1024

Passed the Senate September 9, 2003

Secretary of the Senate

Passed the Assembly September 4, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 4101, 7227, 7422, 7672, 7772, 8105, 8202, 8204, 10220, 10411, 11020, 13113, and 14242 of, to repeal Section 8023 and Chapter 2 (commencing with Section 8350) of Part 2 of Division 18 of, and to repeal and add Sections 7770 and 8022, of, the Elections Code, to amend Section 26802 of the Government Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1024, Committee on Elections and Reapportionment. Elections: omnibus provisions.

(1) Existing law requires an election for the purpose of filling a vacancy in the governing board of a school district to be held not less than 130 days after the occurrence of the vacancy or after a resignation is filed with the county superintendent of schools.

This bill would impose a state-mandated local program as it would, instead, require the election to be held not less than 130 days after the order of the election.

(2) Existing law provides that a new citizen is eligible to register and vote at the office of the county elections official at anytime beginning on the 28th day before an election and ending on the 7th day prior to the election.

This bill would modify that time period to begin on the 14th day before an election, thereby imposing a state-mandated local program.

(3) Existing law requires the proponents of a recall of an elected officer to submit a notice of intention, which is required to contain the printed name, signature, and business or residence address of each of the proponents, among other requirements.

This bill would modify that provision in that it would require the proponents to submit their residence addresses or, for each proponent who cannot receive mail at his or her mailing address, an alternative mailing address.

(4) Existing law provides that a person offering to vote may be orally challenged by a member of the precinct board if the voter is not a resident of the precinct, unless the voter is registered in



another precinct and he or she is moving from that precinct within 28 days prior to an election.

This bill would modify those provisions in that it would exempt a voter registered in another precinct who is moving from that precinct within 14 days prior to an election.

(5) Existing law requires the Secretary of State to compute the number of members of central committees of the Peace and Freedom Party to be elected and certify the number to elections officials and the Chairperson of the Peace and Freedom Party State Central Committee.

This bill would eliminate these duties of the Secretary of State and would, instead, require that the state party chairperson, within a prescribed period, advise the Secretary of State whether the party will hold a central committee election. If an election is not held, a county central committee would be convened pursuant to the party's rules.

(6) Existing law requires each candidate for judicial, legislative, or statewide office to file a declaration of intention to become a candidate.

This bill would delete that requirement and make conforming changes.

(7) Existing law requires a candidate for an elective city office to be nominated by means of a nomination paper signed by a specified number of voters, and permits any person registered to vote at the election to circulate the nomination paper.

This bill would, in addition, require the circulator of the nomination paper to be qualified to vote for the elective office of the city for which the nomination is made, and would require that only one person circulate each nomination paper, thereby creating a state-mandated local program.

(8) Existing law requires a nomination for the office of director of a resource conservation district to be filed with the clerk of the board of supervisors of the principal county.

This bill, instead, would require the nomination to be filed with the county elections official.

(9) Existing law requires that county elections officials register electors who apply as voters.

This bill, instead, would require that county clerks register voters.

(10) This bill also makes technical, nonsubstantive changes to existing law, and corrects several erroneous cross-references to existing law.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(12) This bill would incorporate additional changes in Section 3103 of the Elections Code proposed by AB 188 and AB 1679, that would become operative only if either AB 188 or AB 1679, or both bills, and this bill are chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

(13) This bill would incorporate additional changes in Section 3304 of the Elections Code proposed by AB 188, that would become operative only if AB 188 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

(14) This bill would incorporate additional changes in Section 4101 of the Elections Code proposed by AB 1679, that would become operative only if AB 1679 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

(15) This bill would incorporate additional changes in Section 10411 of the Elections Code proposed by AB 1679, that would become operative only if AB 1679 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

(16) This bill would incorporate additional changes in Section 13113 of the Elections Code proposed by AB 718, that would become operative only if AB 718 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.



The people of the State of California do enact as follows:

SECTION 1. Section 5091 of the Education Code is amended to read:

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $1\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with registered voters of less than 2,000 persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted no later than the 130th day after



the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) Whenever a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the estimate of the elections official of the cost of conducting the special election.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Section 6253.5 of the Government Code.



(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

SEC. 2. Section 3103 of the Elections Code is amended to read:

3103. (a) Notwithstanding any other provision of the law, a special absentee voter who qualifies pursuant to this section may apply for a special absentee voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If a special absentee voter submits an application containing a statement that provides that due to military or other contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as a special absentee voter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3100. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day, special absentee voter ballots shall be secured separately in a sealed ballot box reserved for that purpose.

(e) In the event that a voter executes a special absentee ballot pursuant to this section and the military or other contingency does not exist during the normal absentee voting period, that voter may make an application for an absentee ballot pursuant to Sections 3100 and 3101. If an application is made pursuant to this



subdivision, the elections official shall reject the voted ballot previously cast and process the application in accordance with Chapter 1 (commencing with Section 3000).

(f) Notwithstanding any other provision of law, a special absentee voter who qualifies pursuant to this section may, by facsimile transmission, register to vote and apply for an absent voter's ballot. Upon request, the elections official shall send to the qualified special absentee voter either by mail or facsimile transmission the special absentee ballot or, if available, an absent's voter ballot pursuant to Chapter 1 (commencing with Section 3000).

SEC. 2.5. Section 3103 of the Elections Code is amended to read:

3103. (a) Any application made pursuant to this chapter that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) The elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination, providing the candidate whose name has been written on the ballot has, as of the date of the election, qualified to have his or her name placed on the ballot for the office, or has qualified as a write-in candidate for the office.

(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section.

(e) In the event that a voter executes a special absentee ballot pursuant to this section and an application for an absentee ballot pursuant to Section 3101, the elections official shall reject the voted ballot previously cast, cancel the voter's permanent absent



voter status, and process the application in accordance with Chapter 1 (commencing with Section 3000).

(f) Notwithstanding any other provision of law, a special absentee voter who qualifies pursuant to this section may, by facsimile transmission, register to vote and apply for an absent voter's ballot. Upon request, the elections official may send to the qualified special absentee voter either by mail, facsimile, or electronic transmission the special absentee ballot or, if available, an absent voter's ballot pursuant to Chapter 1 (commencing with Section 3000).

SEC. 2.6. Section 3103 of the Elections Code is amended to read:

3103. (a) Notwithstanding any other provision of the law, a special absentee voter who qualifies pursuant to this section may apply for a special absentee voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If a special absentee voter submits an application containing a statement that provides that due to military or other contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as a special absentee voter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3100. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day,



special absentee voter ballots shall be secured separately in a sealed ballot box reserved for that purpose.

(e) In the event that a voter executes a special absentee ballot pursuant to this section and the military or other contingency does not exist during the normal absentee voting period, that voter may make an application for an absentee ballot pursuant to Sections 3100 and 3101. If an application is made pursuant to this subdivision, the elections official shall reject the voted ballot previously cast and process the application in accordance with Chapter 1 (commencing with Section 3000).

(f) Notwithstanding any other provision of law, a special absentee voter who qualifies pursuant to this section may, by facsimile transmission, register to vote and apply for an absent voter's ballot. Upon request, the elections official shall send to the qualified special absentee voter either by mail or facsimile transmission the special absentee ballot or, if available, an absent voter's ballot pursuant to Chapter 1 (commencing with Section 3000).

SEC. 2.7. Section 3103 of the Elections Code is amended to read:

3103. (a) Any application made pursuant to this chapter that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) The elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination, providing the candidate whose name has been written on the ballot has, as of the date of the election, qualified to have his or her name placed on the ballot for the office, or has qualified as a write-in candidate for the office.



(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section.

(e) In the event that a voter executes a special absentee ballot pursuant to this section and an application for an absentee ballot pursuant to Section 3101, the elections official shall reject the voted ballot previously cast, cancel the voter's permanent absent voter status, and process the application in accordance with Chapter 1 (commencing with Section 3000).

(f) Notwithstanding any other provision of law, a special absentee voter who qualifies pursuant to this section may, by facsimile transmission, register to vote and apply for an absent voter's ballot. Upon request, the elections official may send to the qualified special absentee voter either by mail, facsimile, or electronic transmission the special absentee ballot or, if available, an absent voter's ballot pursuant to Chapter 1 (commencing with Section 3000).

SEC. 3. Section 3304 of the Elections Code is amended to read:

3304. (a) A voter described in Section 3302 may apply for an absent voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If the voter submits an application containing a statement that provides that due to contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as provided in this chapter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3307. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking the nomination or election to any office listed on the ballot.



(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass the absent voter ballots described in this section under the same procedure as other absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day, the absent voter ballots described in this section shall be secured separately in a sealed ballot box reserved for that purpose.

SEC. 3.5. Section 3304 of the Elections Code is amended to read:

3304. (a) Any application made pursuant to this chapter that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking the nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination, providing the candidate whose name is written on the ballot has, as of the date of the election, qualified to have his or her name placed on the ballot for the office, or has qualified as a write-in candidate for the office.

(d) The elections official shall receive and canvass the absent voter ballots described in this section under the same procedure as other absent voter ballots, insofar as that procedure is not inconsistent with this section.

SEC. 4. Section 3500 of the Elections Code is amended to read:

3500. Any new citizen is eligible to register and vote at the office of the county elections official at any time beginning on the 14th day before an election and ending on the seventh day prior to election day.

SEC. 5. Section 4101 of the Elections Code is amended to read:



4101. Notwithstanding Sections 12111, 13300, and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

SEC. 5.5. Section 4101 of the Elections Code is amended to read:

4101. Notwithstanding Sections 13300 and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

SEC. 6. Section 7227 of the Elections Code is amended to read:

7227. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed in his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 7. Section 7422 of the Elections Code is amended to read:

7422. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 8. Section 7672 of the Elections Code is amended to read:

7672. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 9. Section 7770 of the Elections Code is repealed.

SEC. 10. Section 7770 is added to the Elections Code, to read:

7770. The state party chairperson, no later than the 135th day before the direct primary election, shall notify the Secretary of State whether or not a county central committee election will be held. In the event that a county central committee election is not held, a county central committee will be convened pursuant to rules adopted by the party.

SEC. 11. Section 7772 of the Elections Code is amended to read:

7772. In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has done either of the following:

(a) Filed a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed in the candidate's behalf by the voters of the central committee election district in which she or he is a candidate.

(b) Qualified to have her or his name printed on the direct primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

SEC. 12. Section 8022 of the Elections Code is repealed.

SEC. 13. Section 8022 is added to the Elections Code, to read:

8022. Notwithstanding Section 8020 or any other provision of the law, if nomination documents for an incumbent state Senator, Member of the Assembly, state constitutional officer, or Insurance Commissioner are not delivered by 5 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office.

However, if the incumbent's failure to file nomination documents is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the nomination documents.

SEC. 14. Section 8023 of the Elections Code is repealed.

SEC. 15. Section 8105 of the Elections Code is amended to read:

8105. The filing fees for all candidates shall be paid at the time the candidates obtain their nomination forms from the county elections official. The county elections official shall not accept any



papers unless the fees are paid at the time required by this section, or unless satisfactory evidence is given to the county elections official or to the registrar of voters that the fee has been paid at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declarations of candidacy for filing. All filing fees received by the Secretary of State and elections officials are nonrefundable.

SEC. 16. Section 8202 of the Elections Code is amended to read:

8202. The numerically designated offices shall be grouped and arranged on all ballots in numerical order. A person may not be a candidate or have his or her name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him or her in his or her nomination papers.

SEC. 17. Section 8204 of the Elections Code is amended to read:

8204. (a) If an incumbent of a judicial office dies on or before the last day prescribed for the filing of nomination papers, or for any reason fails to file his or her nomination papers by the last day prescribed for the filing of the papers, an additional five days shall be allowed for the filing of nomination papers for the office.

(b) Any qualified person other than the person who was the incumbent, may file nomination papers for the office during the extended period.

SEC. 18. Chapter 2 (commencing with Section 8350) of Part 2 of Division 8 of the Elections Code is repealed.

SEC. 19. Section 10220 of the Elections Code is amended to read:

10220. Candidates may be nominated for any of the elective offices of the city in the following manner:

Not earlier than the 113th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter



does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed and containing that voter's signature shall be considered as though that signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election, and qualified to vote for the elective office of the city for which the nomination is made, may circulate a nomination paper. Only one person may circulate each nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

SEC. 20. Section 10411 of the Elections Code is amended to read:

10411. In case of the consolidation of any election called by the legislative body of a city, district, or other political subdivision with an election held in the county or counties in which the city, district, or other political subdivision is situated, the governing body of the city, district, or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

(a) The election shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district, or other political subdivision.

If the authority is given to the board of supervisors, the canvass shall be made in accordance with Article 1 (commencing with Section 15300) of Chapter 4 of Division 15.

SEC. 21. Section 10411 of the Elections Code is amended to read:

10411. In case of the consolidation of any election called by the legislative body of a city, district, or other political subdivision with an election held in the county or counties in which the city, district, or other political subdivision is situated, the governing body of the city, district, or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

(a) The election shall be held in all respects as if there were only one election.



(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district or other political subdivision.

If the authority is given to the board of supervisors, the canvass shall be made in accordance with Article 1 (commencing with Section 15300) of Chapter 4 of Division 15.

SEC. 22. Section 11020 of the Elections Code is amended to read:

11020. The notice of intention shall contain all of the following:

(a) The name and title of the officer sought to be recalled.

(b) A statement, not exceeding 200 words in length, of the reasons for the proposed recall.

(c) The printed name, signature, and residence address of each of the proponents of the recall. If a proponent cannot receive mail at the residence address, he or she must provide an alternative mailing address. The minimum number of proponents is 10, or equal to the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.

(d) The provisions of Section 11023.

SEC. 23. Section 13113 of the Elections Code is amended to read:

13113. (a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of filing due to an incumbent failing to file. The Secretary of State shall conduct a randomized alphabet drawing on the first weekday following the last possible day of filing for the election according to subdivision (a) of Section 13112.

(b) If two or more drawings for local government elections would occur on the same date, the Secretary of State may use a single randomized alphabet drawing for all of these elections. The



Secretary of State shall communicate the results of the drawing by registered mail to each respective official responsible for conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

SEC. 24. Section 13113 of the Elections Code is amended to read:

13113. (a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of filing due to an incumbent failing to file. The Secretary of State shall conduct a randomized alphabet drawing on the first weekday following the last possible day of filing for the election according to subdivision (a) of Section 13112.

(b) Except as provided for runoff elections in subdivision (d), if two or more drawings for local government elections would occur on the same date, the Secretary of State may use a single randomized alphabet drawing for all of these elections. The Secretary of State shall communicate the results of the drawing by registered mail to each respective official responsible for conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

(d) If two randomized alphabets are drawn for the same election, the results of the second randomized alphabet drawing shall be clearly set apart from the first and shall be labeled "FOR USE IN A RUNOFF ELECTION ONLY."

SEC. 25. Section 14242 of the Elections Code is amended to read:

14242. The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly



registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election.

SEC. 26. Section 26802 of the Government Code is amended to read:

26802. Except as provided by law, the county clerk shall register as voters any electors who apply for registration and shall perform any other duties required of him or her by the Elections Code. In those counties in which a registrar of voters office has been established, the registrar of voters shall discharge all duties vested by law in the county clerk that relate to and are a part of election procedure.

SEC. 27. Section 9358 of the Public Resources Code is amended to read:

9358. Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the county elections official of the principal county.

SEC. 28. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 29. (a) Section 2.5 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by both this bill and AB 188. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3103 of the Elections Code, and (3) AB 1679 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 188, in which case Sections 2, 2.6, and 2.7 of this bill shall not become operative.

(b) Section 2.6 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3103 of the Elections Code, (3) AB 188 is not enacted or as enacted does not amend that section, and (4) this bill



is enacted after AB 1679, in which case Sections 2, 2.5, and 2.7 of this bill shall not become operative.

(c) Section 2.7 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by this bill, AB 188, and AB 1679. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2004, (2) all three bills amend Section 3103 of the Elections Code, and (3) this bill is enacted after AB 188 and AB 1679, in which case Sections 2, 2.5, and 2.6 of this bill shall not become operative.

SEC. 30. Section 3.5 of this bill incorporates amendments to Section 3304 of the Elections Code proposed by both this bill and AB 188. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3304 of the Elections Code, and (3) this bill is enacted after AB 188, in which case Section 3 of this bill shall not become operative.

SEC. 31. Section 5.5 of this bill incorporates amendments to Section 4101 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 4101 of the Elections Code, and (3) this bill is enacted after AB 1679, in which case Section 5 of this bill shall not become operative.

SEC. 32. Section 21 of this bill incorporates amendments to Section 10411 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 10411 of the Elections Code, and (3) this bill is enacted after AB 1679, in which case Section 20 of this bill shall not become operative.

SEC. 33. Section 24 of this bill incorporates amendments to Section 13113 of the Elections Code proposed by both this bill and AB 718. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 13113 of the Elections Code, and (3) this bill is enacted after AB 718, in which case Section 23 of this bill shall not become operative.



Approved _____, 2003

Governor

